IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10100 OF 2004

Kai. Annarao Patil Krida Shikshana Va
Bahu Uddeshiya Sanstha. ... . Petitioner.

Versus

The Education Officer (Secondary)
Solapur & Ors. .... Respondents.

Mr. I. M. Khairdi for the Petitioner.

Mr. V. P. Malvankar, AGP for Respondent Nos. 1 to 3.

Mr. S. G. Kudle for Respondent No.4.

CORAM: DALVEER BHANDARI, C.J. &

S. A. BOBDE, J.

DATED : FEBRUARY 24, 2005.

P.C. :

This petition is directed against the order dated 31st

August, 2004 by which the permission has been granted to Respondent No.4 to start Secondary Educational Institution.

2. In pursuance to the show cause notice issued by this Court, the Deputy Education Officer (Secondary), Zilla Parishad, Solapur has filed his affidavit. In the affidavit, it is mentioned that the State of Maharashtra in pursuance to the order passed by this Court in Writ Petition No. 4172 of 2001modified criteria for granting permission to the new Schools. While granting permission, the Respondents have taken into consideration the population of the village and number of students can be made available for the Standard VIII, for the sake of spreading the education. This order has been passed in consonance with the Division Bench Judgment of this Court. In the said judgment, it is observed that the purpose of starting a school is to impart education to children in the locality, the need for establishing a school must be judged by reference to the population of the area and probable number of students who may seek admission to such schools.

3. In our considered opinion, both these criteria have been taken into consideration by the respondents. This petition being devoid of any merit is, accordingly, dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.